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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 ROBERT DUKOWITZ,

7 Plaintiff,

v.

8 JOHN KELLEMEN,

9 Defendant.

10 CASE NO. C18-5968 BHS

11 ORDER ADOPTING REPORT
12 AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 9. The Court
15 having considered the R&R and the remaining record, and no objections having been
16 filed, does hereby find and order as follows:

- 17 (1) The R&R is **ADOPTED**;
- 18 (2) Plaintiff’s proposed amended complaint, Dkt. 7, is **DISMISSED**; and
- 19 (3) Plaintiff’s application to proceed *in forma pauperis*, Dkt. 5, and application
20 for court appointed counsel, Dkt. 1-2, are **DENIED** as moot.

21 Dated this 28th day of May, 2019.

22 
BENJAMIN H. SETTLE
United States District Judge